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August 21, 2023

**VIA ECF**

Honorable Thomas I. Vanaskie (Ret.)  
Special Master  
Stevens & Lee  
1500 Market St., East Tower, Suite 1800  
Philadelphia, Pennsylvania 19103-7360

Re: ***In re Valsartan, Losartan, and Irbesartan Liability Litigation,***  
**Case No. 1:19-md-02875-RBK (D.N.J.)**

Dear Judge Vanaskie:

Please accept this letter on behalf of Plaintiffs in advance of the August 23, 2023 status conference.

**1. Wholesaler Defendants' Proposed Schedule for Losartan/Irbesartan Discovery.**

After two video conferences and numerous emails exchanged, the Wholesaler Defendants and Plaintiffs' counsel have negotiated a proposed schedule for Wholesaler Defendants to complete discovery related to losartan, irbesartan, and custodial discovery related to valsartan.

The agreed-upon schedule is as follows:

<b><u>Item Re: Losartan and Irbesartan (and, where indicated, valsartan)*</u></b>	<b>Agreed-Upon Dates</b>
Wholesalers to serve objections and responses to Plaintiffs' RFPs and Rule 30(b)(6) Notice	Completed

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Wholesalers and Plaintiffs shall meet and confer regarding Plaintiffs' RFPs served on Wholesalers 5.22.2023 and Wholesalers' objections and responses Re: losartan and irbesartan	8/25/2023
If Wholesalers and Plaintiffs cannot reach agreement on Plaintiffs' RFPs to the Wholesalers Re: losartan and irbesartan and the Wholesalers' responses and objections to Plaintiffs' RFPs Re: losartan and irbesartan, Plaintiffs shall file a motion with the Court regarding their remaining dispute(s)***	8/31/2023
Wholesalers shall provide proposed search terms and proposed Wholesaler custodians, three (3) or more, to which such search terms will be applied in the losartan/irbesartan/valsartan actions	8/25/2023
Wholesalers and Plaintiffs shall meet and confer regarding Plaintiffs' proposed RFPs to Wholesalers Re: valsartan custodial discovery	(TBD)
Wholesalers and Plaintiffs shall meet and confer regarding the Wholesalers' proposed search terms and Wholesaler custodians in the losartan/irbesartan/valsartan actions	9/1/2023
If Wholesalers and Plaintiffs cannot reach agreement on Wholesalers' proposed search terms and Wholesaler custodians for the losartan/irbesartan/valsartan actions, Plaintiffs shall file a motion with the Court regarding remaining dispute(s)***	9/15/2023
Wholesalers and Plaintiffs shall meet and confer to negotiate and finalize topics for 30(b)(6) depositions of Wholesalers and Wholesalers' objections to Plaintiffs' Notices of Rule 30(b)(6) Depositions served on May 17, 2023 pursuant to CMO 32	9/29/2023
If Wholesalers and Plaintiffs cannot reach agreement regarding final topics for 30(b)(6) depositions of Wholesalers, Plaintiffs shall file a letter brief regarding their remaining dispute(s)	10/6/2023
Wholesalers shall substantially complete their document production for losartan/irbesartan/valsartan (custodial)	3/11/2024
Wholesalers and Plaintiffs shall meet and confer to negotiate and finalize the identities of Wholesaler deponents	3/25/2024
If Wholesalers and Plaintiffs cannot reach agreement regarding the identities of Wholesaler deponents, Plaintiffs shall file a motion with the Court regarding the dispute***	4/2/2024
Plaintiffs shall complete all depositions of Wholesalers, including all Rule 30(b)(6) depositions	5/13/2024

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NOTES APPLICABLE TO SCHEDULE

\* All deadlines apply only to losartan/irbesartan actions except where they expressly mention valsartan.

\*\* Where this agreed-upon discovery schedule provides a deadline for the propounding party to file a motion regarding discovery disputes, the propounding party will file the motion in the form of a letter brief directed to Special Master Vanaskie on the date noted, which shall be no more than ten pages in length, to be followed by a response letter brief filed by the responding party within 7 calendar days, which shall be not more than ten pages in length, followed by a 3 page reply letter brief filed by the propounding party within 3 business days of the filing of the response.

During the Parties' conferences, the Wholesaler Defendants brought up their desire to issue written discovery on and to take the Rule 30(b)(6) depositions of the TPP Plaintiffs related to losartan and irbesartan. Through our conferrals, Plaintiffs have repeatedly and reasonably requested that the Wholesaler Defendants coordinate their discovery requests related to losartan and irbesartan with the other Manufacturing and Retailer Defendants to ensure that the discovery being exchanged would be efficient and not duplicative. Moreover, as stated in Plaintiffs' final email to the Wholesaler Defendants counsel on August 17, 2023, Plaintiffs' counsel have communicated that the proper means by which all Defendants should seek discovery from the Plaintiffs is through an amended fact sheet addressing losartan and irbesartan. The parties negotiated an amended plaintiff fact sheet regarding the personal injury plaintiffs, but an amended plaintiff fact sheet for the economic loss and TPP plaintiffs was never negotiated or agreed upon. Plaintiffs' counsel requested that the Wholesaler Defendants propose amendments to the original plaintiff fact sheet that was approved for valsartan. The Wholesaler Defendants have not responded to this request. Once the scope and means of this discovery is established, deadlines can be addressed.

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Respectfully,



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ADAM M. SLATER

Cc: All counsel of record (via ECF)